



# California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, PE, Chair

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Governor

Linda S. Adams

Secretary for  
Environmental Protection

14 August 2008

Mr. Greg Halladay, P.E.  
Director of Public Works  
City of Galt  
495 Industrial Drive  
Galt, CA 95632

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**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2008-0563 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, CITY OF GALT WASTEWATER TREATMENT PLANT, SACRAMENTO COUNTY**

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code section 13385, for violations of Waste Discharge Requirements (WDRs) Order Nos. 97-111 and R5-2004-0001 (NPDES No. CA0081434) by the City of Galt Wastewater Treatment Plant (Discharger). The Complaint charges the City of Galt with civil liability in the amount of **one hundred eight thousand dollars (\$108,000)**, which represents the sum of accrued Mandatory Minimum Penalties for effluent limitation violations which occurred from 1 January 2000 through 31 December 2007.

On 14 May 2008, Regional Water Board staff issued a draft Record of Violations (ROV). On 11 June 2008, the Discharger responded and stated that a number of the violations should be exempted from MMPs. Regional Water Board staff has prepared a technical memorandum analyzing the City's response and has retained the violations. This technical memorandum and ROV are found as attachments to the Complaint.

Pursuant to CWC section 13323, the Discharger may:

- Pay the assessed civil liability and waive its right to a hearing before the Regional Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **15 September 2008**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Regional Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting it to this office by **15 September 2008**; **or**
- Contest the Complaint and/or enter into settlement discussions with the Regional Water Board without signing the enclosed waiver.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations in the Complaint. This settlement will be considered final pending a 30-day period, starting from the date of this Complaint, during which time interested parties may comment on this action by submitting information to this office,

**California Environmental Protection Agency**

attention Barry Hilton. Should the Regional Water Board receive new information or comments during this comment period, the Regional Water Board's Assistant Executive Officer may withdraw the complaint, return payment, and issue a new complaint.

If the Regional Water Board does not receive a signed waiver within 30 days of the date of this Complaint (**by 15 September 2008**), then a hearing will be scheduled for the **23/24 October 2008** Regional Water Board meeting in Rancho Cordova. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 15 September 2008**. This includes material submitted by the discharger to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Regional Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 15 September 2008** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

The Regional Water Board is willing to entertain proposals for Supplemental Environmental Projects (SEP) under California Water Code section 13385(l). If the City wishes to undertake an SEP in lieu of paying a portion of the penalty amount, then the City must set up a meeting with the Regional Water Board **by 29 August 2008** to present the proposal for discussion. Any SEP proposal must meet the qualification criteria in the State Water Resource Control Board's Water Quality Enforcement Policy. Information on the qualification criteria can be found at <http://www.waterboards.ca.gov/plnspols/docs/wqep.doc>. Approval of any proposed SEP lies within the discretion of the Regional Water Board.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Barry Hilton at (916) 464-4762 or Patricia Leary at (916) 464-4623.

WENDY WYELS

Environmental Program Manager  
Compliance and Enforcement Section

Enclosure: ACLC No. R5-2008-0563

cc w/ encl: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova  
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco  
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento  
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova  
Sacramento Environmental Management Department, Sacramento  
Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton